Remarks

Applicant will file a certified copy of the priority documents as indicated by the Examiner.

The Examiner has rejected claims 1, 3, 4 and 6 under 35 U.S.C. 102 (b) as being anticipated by Fuchs '069 (US 4,946,069). Fuchs '069 relates to "a discharging apparatus for flowable or fluid media with a body for receiving a media reservoir and with a thrust piston pump" (column 1, lines 7-9; Figures 1-5). The apparatus comprises a casing (indicated by numeral '17'), which is provided with a nozzle (10) and a pair of handles (14) aside the nozzle (10). The casing extends downwardly (and outwardly) from the handles, leaving no room for accommodating one or more fingers that are not employed during actuation and thus necessitating forced bending and/or torsion of painful joints.

Applicant respectfully disagrees with the Examiner's characterization of the Fuchs '069 disclosure. First, the actuator disclosed in Fuchs '069 does not seem to have "an actuation surface sufficiently wide to support a human thumb," i.e., having a width of at least 2 cm as defined in paragraph [0007] of the application. Instead, the Figure in Fuchs '069, appears to disclose an actuation surface having a width of 1 cm or less. Second, the radius of curvature of the edges along the actuation surface and/or the grips depicted in Fuchs '069 appear to be much smaller than 3 mm. The Examiner may have mistakenly understood the radius of curvature of the edges to be the radius of curvature of the actuation surface itself.

Applicant has amended claim 1 by adding limitations that further define the invention. Applicant has further defined the invention by adding limitations that specifically identify the actuation force of 50 N and specifically characterize the grips extending from the main body as providing sufficient room beneath the grips for accommodating one or more fingers that are not employed during actuation.

As explained above, the actuation surface of the apparatus depicted in Fuchs '069 would seem to have a width of (less than) 1 cm, which will cause considerable pain and is effectively unacceptable for patients suffering from rheumatoid arthritis.

Further, Fuchs '069 is silent with regard to the actuation force and, although use for the administration of pharmaceutical substances, along with cosmetic and similar products, is mentioned in Fuchs '069, no provisions are present to facilitate handling by sensitive and/or deformed hands.

Applicant believes these limitations are not disclosed or suggested by Fuchs '069 and further distinguish the invention.

Patients suffering from rheumatoid arthritis experience inflammation, swelling, pain, and/or loss of dexterity. Prior art endonasal dispensers require a degree of dexterity that is not available to many patients suffering from rheumatoid arthritis and would cause pain and/or discomfort.

Further, many patients, especially those in an advanced stage of rheumatoid arthritis, are even effectively unable to use such dispensers and, hence, become dependent on other people for the administration of (vital) medicaments. Dependency of this nature does not only imply a health risk but often also diminishes the sense of well-being of the patient.

A dispenser having the combination of features of amended claim 1, in particular those recited in item 1 *supra* in conjunction with a sufficiently wide actuation surface and concave top surfaces of the grips, appeared surprisingly effective in avoiding or significantly reducing pain and discomfort of patients in a relatively early stage as well

as in an advanced stage of rheumatoid arthritis. Such a dispenser is not disclosed, contemplated or suggested by the prior art dispensers.

The Examiner has also rejected claims 1, 2, 6, 9 and 10 under 35 U.S.C. 102(b) as being anticipated by Fuchs '332 (WO 00/47332; corresponding to US 6,708,846). Fuchs '332 relates to "a dispenser, especially a disposable atomizer (25), with a dispenser unit (11). The unit contains a media container (12) which also forms the pump chamber and which is sealed by a piston-type stopper (14). When activated, said piston-type stopper is punctured by a hollow needle (16)" (Abstract and Figure on front page). The dispenser comprises a jacket (indicated by numeral '45'), which is provided with a nozzle (11) and a pair of shoulders (44) aside the nozzle (11).

Similar to the apparatus according to Fuchs '069, the jacket extends downwardly and outwardly from the shoulders, leaving no room for accommodating one or more fingers that are not employed during actuation and thus necessitating forced bending and/or torsion of painful joints, and no specific actuation force is disclosed or suggested. However, Applicant believes amended claim 1 further defines and distinguishes the invention over the prior art for the same reasons above as Fuchs '332 does not disclose or suggest any room beneath the outwardly extending shoulders for accommodating one or more fingers.

The Examiner has also rejected claims 5 and 8 under 35 U.S.C. 103(a) as being upatentable over Fuchs '332 and claim 7 under 35 U.S.C. 103(a) as being upatentable over Fuchs '069. However, Applicant believes that claim one as amended, upon which these claims depend will put these claims in condition for allowance and claim 7 has been cancelled.

In sum, none of the prior documents discloses a dispenser in accordance with present claim 1, none of the disclosed dispensers are suitable for patients suffering from

rheumatoid arthritis, the skilled person would not combine any of the above prior art documents and that, even if he would (*quod non*), such a combination could not possibly yield a dispenser in accordance with amended claim 1. Accordingly, the subject-matter of this claim and of the dependent claims is novel and not obvious.

Respectfully submitted,

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